

G. R. S. IX-5]

Precious references.

File No. 43-20

1920

(Cto)

Serial Nos. 5, 6, 7, 15
and 16.

Later references.

Ch. 88-21-1.

Preserve
B. 5.42

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. *None*

Part B for

May 1921.

SUBJECT.

Petition from the residents of Carikere stating that Shanbappa Giriappa, misappropriated certain sum of money being the Kandayam paid by one Wangappa.

8(15)

to the Govt. Advocate.

The Dist. Magistrate, Kolar

No. G. 18470-71 of 2.4.21

Requests the Govt. Advocate to file an appeal before the Chief Court against the order of the Sessions Judge Kolar Sessions Case no. 3 of 20-21, acquitting the accused.

16)

20 WD 2283-GPE-2000-14-6-21 Registrar Chief Court

No. 18872 of 7.4.21

Returns the files of records.

[Signature]
9/5

GENERAL AND REVENUE SECRETARIAT.

(25)

NOTES.

File No. 43-20

FILE HEADING.

Petition from Kadur.

From

The Private Secretary to His Highness

No. 1630

Dated 14-12-20

Received 16-12-20.

Jary No. 12987

Enclos. / Spare Copies.

Serial No. 5

BRIEF ABSTRACT OF LETTER.

Received the petition of Mavalappa and others of Dautkere stating that the Shauloshe Gaviappa misappropriated the land revenue due to Govt. in 1918, that when the case was

NOTES AND ORDERS.

referred to the Amildar, the receipt given by the Shauloshe was torn and when the case was committed to Basir, the Sonir judge discharged the Amildar and ^{instructed} that the case should be reheard. Suled. If appd, the petitioners will

Serial
No.

also informed that Govt. cannot
interfere in the matter

788
6/1/21
7/1/21
2) The petition seems to be
pseudonymous & no address is given
It may perhaps be filed.

3) I do not think that the appⁿ
is pseudonymous. It does appear
to have been signed by a number
of people & there are more than 10 differ-
ent signatures. The complaint refers
to certain chamberlains of the Tarikar
Taluk who is said to have been prosecuted
under the orders of the W. C. & committed to
the Sessions by the I. class mag^{ts} of Chikmagalur
but let off by the Sessions judge
Shimoga

4) May the record be called for?

Dr. M.
12/1

11/14 embrey 29

The record may
be called for.
M.

litig.

Kings'

Dr. M.
12/1

5) I am with a draft.

788
6/1/21
7/1/21

7) Issues
Dr. M.
20/1

General and Revenue
Secretariat.

CS File No. 43 of 1920.

Serial
No.

To

6

The Registrar, Chief Court.

No. G. 14294 D7 22-1-21.

Requests to kindly obtain and forward the records of the Kadur Sessions case in which on Eiriappa, Shanbhogue of Tarikere has been accused of misappropriation of land revenue.

7. From the Registrar, Chief Court
No. 680 - D 27th Jan 21

Forwarded the records in
Kadur Sessions Case - no 3 of 1920-21

8) Scaled for orders with reference
to Member's minute in para 5.

ES
3/2/21 ~~SSB~~

9 Under the orders of the 1924: Commⁿ, the
Amildar of Tarikere prosecuted the accused
Shanbhogue for crim^b breach of trust in
respect of a sum of Rs: 124-0 and falsifi-
cation of accounts under ss: 409 & 477
S. P. C. & the 1st class mag^o, Chikmagalur
committed the accused to the Sessions where
he has been acquitted.

The case is one of appreciation of evidence
- It is difficult to accept the inferences
& conclusions of the Sessions judge as they seem
to be violently opposed to the course of human
conduct & probabilities of the case. I think

16119

G. R. S. III-2]

General and Revenue
Secretariat.

File No. 43

of 1920.

Serial
No.

in a case of this kind, which is of
some importance, the local authorities
ought to have consulted the Govt. Advocate
about the correctness of the decision
of the Sessions judge.

Encl^d for perusal & orders.

The code of the Court may be H.S., and
the judge of the Sessions judge is H.T.

To Mr.
6/3/21

III Member

5210
9.3.21

The Mr. Justice may be
consulted.

1/11/21

3/10/21

U.O. no 55 of 20
of 12-3-21.

1/3) Forwarded U.O. with compliments
to the Govt. Advocate for favour
of opinion

B. A.

Mahadwaja

In Revenue Secy

W. G. W. B.
12/3/21

CH. REV. SECY
Ch Secy
26 MAR 1921

57635

No. 110 (1920-21)
24.3.1921

1/1) of the evidence regarding the alleged
payment of Rs 16.8.6 by Patel Magistrate
on 30.7.18 to the khatri of Sri Rang

Serial
No.

Devain could be believed the case against the accused is fairly well established. The Sessions Judge does not believe Patel Nagappa. He & the accused are admittedly ill disposed towards each other. His evidence has therefore to be received with great caution.

Admittedly the sum of Rs 16-8-6 was paid by Patel Nagappa direct into the Treasury on 30.7.18 with an dhal patti. That patti is not forthcoming. The prosecution alleges that it was sent with no 83 of 7.9.18 to the thekedar in order that the entries therein may be transferred to the khiridi & the thekedar says that he submitted to the Shamboque. The accused denies having received it. The endorsement of the thekedar made in the Shamboque, Khiridi on 30.7.18 - the genuineness of which is admitted by the prosecution - inclines me to agree with the Sessions Judge in his appreciation of the evidence regarding this dhal patti.

The entry in Nanjappa's patta (receipt book) of 16-8-18 is prima facie good evidence against the

Serial
No.

accused. The explanation of the account is accepted by the Sessions Judge, & I may add that taken by itself the entry is susceptible of the explanation suggested.

The Sessions Judge seems to think that the payment of Rs 12 & odd by Patel Nagappa on 30.5.19 to the shahie of Mr Ranga Devam - which is in excess of what is payable in 1918.19 by a couple of Rs or so - is conclusive proof that Rs 16-8-6 could not have been paid on 30.7.18 towards the Kandayam of 1917-18. Assuming that it is so there will still be a balance of Rs 10/- as arrears of 1917-18 to be yet accounted for on this hypothesis but that is not explained. I am not therefore prepared to say that the payment of 30.5.19 affords any crucial test or is capable of placing the matter beyond all reasonable doubt.

To my mind the more important matters are: -

- (i) the institution of sale proceedings on the footing of non-payment of Kandayam by Nagappa in or about September 1918

Serial
No.

x (ii) the failure to institute similar proceedings against the khatkhar for ^{alleged} non-payment of Kandayam by Patel Nagappa. The basis for these proceedings is the khiridi & it is unaccountable how the sale could have been directed if Nagappa had paid the Kandayam on 30.7.18 & if the payment had been recorded in the khiridi on the same date. Similarly if the khiridi of 30.7.18 showed only receipt of Rs 4.4.6 from Patel Nagappa on 30.7.18 why was no demand notice served on him?

It is also noticeable that the receipt of Rs 12.4.0 from Nagappa by the accused is incompatible with the theory that it was included in the sum of Rs 183.9.4 received by the Patel & remitted direct by him into the Treasury on 30.7.18. This aspect of the matter has not received sufficient consideration in the Hon. Judge's judgment. In these circumstances I am of opinion that an appeal may be filed.

R. S. Srinivasan
J. S. Srinivasan
22.3.21

File No. 43 of 1920.

Serial
No.

Subd for orders with

Opinion of G.A. kind reply is invited to the portion
marked in pencilD. M.
28/33rd Member.5521
28.3.2129. In first Adm. may be considered
to file an appeal.1/4/3
25/3/21

Draft to say

D. M.
30/3

Subd with 2 drafts

QSS
31/3/21
J. P. 1/4Issues
D. M.
1/4

15

To

The Government Advocate &
The District Magistrate, Kadur.

No. G. 18470-71 D. 2-4-21.

Authorizes
Requests the Govt. Advocate to prefer an
appeal before the Chief Court against the ord
of the Sessions judge in Kadur Sessions case n
3 of 20-21, acquitting the accused & directs the
Magt. Kadur to furnish the Govt. Advocate w
the necessary records relating to the case

6119

G. R. S. III-2]

General and Revenue
Secretariat.

File No. 43 of 1920.

Serial
No.

16

To

The Registrar, Chief Court.

No. G. 18899 of 7-4-21.

Returns the file of records relating to
the Kadir Sessions Case no. 8 of 1920-21
received with his letter of 26th Jan'y 21.

o The Registrar, Chief Court,
3 Jan'y 1921

16/4

12987

No. 1630
Enc one

GEN & REV. ST.
Ch Secy
15 DEC 1920

OFFICE OF THE PRIVATE SECRETARY
TO HIS HIGHNESS THE MAHARAJA OF MYSORE,

Mysore 14.12.1920

cls

43-20

5

31163

Petition, as shown below, to His Highness the Maharaja is
transferred to the ^{chief} Secretary to the Government of His Highness the
Maharaja of Mysore, ... Department, Bangalore, for

Proposal

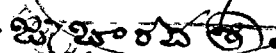
No. 447 of 1920-21.

By Order,

James Wood

for Private Secretary

to His Highness the Maharaja of Mysore.

ಮೈಸೂರು ರಾಜ್ಯ ಮೇಯರಾಜ್ಜಿ  ಮಹಾರಾಜರಾಜ್ಜಿ ರವರು ಪ್ರೀತ್ಯ, ಕಾಜಿ ವೆಣೆಯ ಬಂ
ಕುಡ್ಡು ರವರು ಯಯ, ನಕಸಂಭ್ರಾಜಕಂಠಿ,
ರವಯಿವರಾಜಿ ವೆಣೆಯ ರವರಾಜಾ ವೆಣೆಯ
೪೫—

ಶ್ರೀ ಶಂಭುನಾಥ ಜಿ ಪೂಜಾರಿವರರು ಶ್ರೀಮಂ. ದಾ. ಅಂ. ನಲ್ಲಿ ಯೋಗನಿವ್ರ್ತ.
ಮಹಾಸ್ವಾಮಿಗಳಾದ ಶಂಭು ಶ್ರೀಯ್ಯಾಜ್ಞಪೀಠವ
ಶಂ. ಮಹಾರಾಜ ಶ್ರೀಯುಕ್ತರಲ್ಲಿ
ಈ ದಿನೆಲ್ಲಾ ದೇವಾಲಯದಲ್ಲಿ

no "divergence" in our knowledge of our own sex

செய்து கொடுத்திருக்கிறார். இதைப்பற்றி கருத்து தெரிவித்துக் கொள்ளுகிறேன். இதைப்பற்றி கருத்து தெரிவித்துக் கொள்ளுகிறேன்.

SUBJECT.....

Diary No. of letter replied to.....

Section *C to*

File No. *43-20.*

Serial No *6*

General and Revenue Secretariat

()
the 191 .

No. *14294*

Date of issue..... *22/*

To *The Registrar, Chief Court*

Signed by..... *M. Rm.*

Sir,

I am directed to
request you to kindly
obtain and forward the
records of the ^{Kadur Basing} ~~Basin~~
Case in which one
Giriappa Shaulogue
of Davikere, ~~originated~~
~~by~~ ^{then} a case of
misappropriation of
land revenue was
over.

acquitted
discharged by the
Sessions Judge Shimoga.
I have etc

10th 20th 17th per Ramesh

Sss
1961/21
19/11

List of enclosures.

Copied by

Examined by

no. 680 cr Encls & four
files of records

16129

Bangalore, *bt*

43-21-7

26th January 1921.

27th

From

The Registrar of the
Chief Court of Mysore,
Bangalore

To

The Secretary to the
Government of Mysore,
Revenue Department,
Bangalore.

Sir,

Adverting to your letter No. G.14294 Cts.43-20-6
dated 22nd instant, I am directed to forward herewith
the entire records in Kadur Sessions Case No. 3 of 1920-
21 on the file of the Sessions Judge of Shimoga Division
and to request that they may be returned when no longer
required.

I have the honour to be,

Sir,

Your most obedient servant,

Bunivara

Registrar.

AK.

RECV. SECTY
29 JAN 1921
57750

ds
29-1-21

29-1-21

Page 1
29/1

SUBJECT.....

Diary No. of letter replied to.....

Section 05

File No. 43-20.

Serial No. 15

General and Revenue Secretariat

()

the

191

Date of issue.....

2-4-21

Signed by.....

Mr. P. M. Ayya

May this be

- i Printed ?
- ii treated as a standing order ?
- iii published in the Gazette,
English Part ?
- iv translated ?
- v placed at the disposal of the press ?
- vi published in the Gazette,
Kannada Part ?

the accused was
acquitted by the

Proceedings of the Government of
His Highness the Maharaja of Mysore.

Read—

Petition from ^{certains} the
resident of Tanikere
stating that the Stambh
Ginappa, misappropriated
a sum of Rs. 12-4-0.
during the Kaudayam
paid by ^{one} (Kangappa
and thus committed
Criminal Breach of
Trust. And that when

Order Thereon No.

the case was committed
to Sessions Judge, the
1st Class Magistrate,
Chief Magistrate, the
Sessions Judge, Shimoga

Division dismissed the
Case and acquitted
the accused. And praying
that the Case may be
re heard

Order no. G.18470-71

Under S. 417 Cr.P.C.,
the Court Advocate in
Mysore - is ^{requested} ~~directed~~
to file an appeal before
the Chief Court against
the order of the Sessions
Judge in Kadur Sessions
Case no 3 of 20-21, acquitting
the accused

The D. Magistrate, ^{Kadur} is
requested to furnish the
Court Advocate with the
necessary records ^{relating to}
the Case

10/11/4

Copied by
Examined by
For Recd. Secy.

To, The Court Advocate

The D. Magistrate, Kadur

128
01/3/21 11/4

2 DE

SUBJECT.....

Diary No. of letter replied to.....

Section *18*

File No. *43-20*

Serial No. *16*

General and Revenue Secretariat

()

, the

191

No. *418899*

Date of issue

7/4

To

The Registrar, Chief Court

Signed by

M. P. M.

Sir,

I am directed to
return herewith the
file of records relating
to the Madras Sessions
Case no. 39. 20-21 received
with your letter no. 680
D. 26 to *Jan* 1921.
27

Yours etc

M. P. M.
over.

For Recd

1/11

28
31/3/21